

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3492 OF 2019

Mahesh Nanasaheb Jagtap

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. A. P. Mundargi, Sr. Advocate i/b Mr. Jayant J. Bardeskar,
Advocate for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

Mr. B. J. Dhekale, (A.P.I.), Satara City Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 4th February, 2020

PC :

1. The applicant is seeking bail in connection with C.R. No. 847 of 2019 registered with Satara City Police Station, Dist. Satara for offences punishable under Sections 109, 307, 504, 506 of r/w Section 34 of Indian Penal Code and Sections 3/25 of the Arms Act. The FIR was lodged on 21st November, 2019. The applicant was arrested on 22nd November, 2019.

2. The applicant preferred an application for bail before the Sessions Court which was rejected on 2nd December, 2019.

3. The brief facts of the prosecution case are as follows :

a) It is alleged that the Informant conducts Computer

Typing Institute, by name Vikram Computer institute. The said institute is situated at R. M. Enclave apartment at Satara in that premises owned by him. Dr. Deepanjali Pawar conducts clinic on the ground floor. She used to park her car at the approach way of the building. There have been verbal spats between Dr. Deepanjali Pawar and others. There was quarrel on account of fixing board of Dr. Pawar. Two brothers of Dr. Pawar and father Prabhakar Shelke had met the complainant and threatened him that if he parks his car again he would destroy it and that he is not scared of any police case. Information was given to apartment builder and he had assured to resolve dispute. Hence complaint was not lodged.

b) On 21st November, 2019 at about 4.00 p.m. the applicant called the informant out from class. He came out of class. Applicant was accompanied by another person. Applicant asked him whether he had quarreled with Dr. Pawar. The Informant told applicant that, there was quarrel and he had spoken to builder and the same is likely to be settled by the Builder. Informant was about to call his mother. Applicant snatched his mobile phone. Applicant slapped complainant. He removed one revolver and pistol from his pocket. He handed over pistol to his associate Vijay Gole. Applicant showed revolver to complainant. He fired by revolver towards ground. However, there was no firing. Complainant was scared. The

applicant told complainant to accompany him. Complainant was told to apologise to Dr. Pawar. He tendered apology and come out of clinic. Applicant followed him with Vijay Gole. Applicant threatened that he is Don of area, and he should not quarrel with Pawar madam and threatened him. Applicant pointed revolver at him. The complainant gave blow on hand of applicant and avoided firing. As a result there was firing on the ground.

4. Learned Senior advocate for the applicant Mr. Mundargi submitted that the offence under Section 307 of Indian Penal Code is not made out. The weapon was not pointed out at the complainant. The arms allegedly used in crime were recovered. Bullet was allegedly fired on the ground and not in direction or towards informant with intention to cause an injury to him to commit murder. Admittedly, the bullet was fired on ground to threaten the complainant. The offence under section 307 would not be attract. The applicant is involved in one case in past which relates to the incident which had occurred at Toll Plaza. Further detentions of the applicant is not necessary.

5. Learned APP submitted that investigation is in progress. Weapons are recovered. On instructions and on the basis of Panchnama relating to C.C.T.V. footage it is submitted that firing was

done on the opposite side of the complainant. There are statements of two eye witnesses recorded during the course of investigation.

6. Perused the FIR. There is dispute on account of parking vehicle. The complainant alleged that the applicant had fired on the ground to threaten. The third incident is of pointing the revolver towards the complainant. According to complainant by giving blow on hand of applicant, he avoided firing, which resulted in firing on ground. It is not the case that accused again tried to fire at him to substantiate the complaint that he attempted to kill him. C.C.T.V. footage panchnama conducted by the prosecution qua C.C.T.V. indicate that firing was on the opposite direction of the complainant and not at the complainant. The applicant is in custody from the date of arrest. Further detention of the applicant is not necessary. Case for grant of bail is made out.

7. Hence, I pass the following order :

ORDER

- i) Bail Application No. 3492 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 847 of 2019 registered with Satara City Police Station, Dist. Satara on furnishing P.R. bond in the sum of Rs. 25,000/-

- with one or more sureties in the like amount;
- iii) Applicant shall not approach the complainant and shall not tamper with the evidence;
 - iv) The applicant shall report concerned Police Station once in a week on Saturday between 11.00 a.m. to 1.00 p.m. till filing of charge-sheet and thereafter once in a month on every first Saturday between 11.00 a.m. to 1.00 p.m. till further order.
 - v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)